

**REMARKS**

Claims 1 – 22 are pending in the application. Claims 1 – 22 have been rejected. Claims 12 and 13 have been cancelled.

Claims 1 - 3, 9, 12 - 14 and 21 stand rejected under 35 U.S.C. § 102 (e) as being anticipated by Powers, U.S. Publication No. 2002/0040309 (Powers). Claims 4 -8, 10, 11 and 22 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Powers in view of PRTM's Performance Management Group benchmarking service described in Supply Chain Council's Webpage Newsletter of November 1998 describing PRTM's Online Supply-Chain Benchmarking, Pages 4 – 5" (Reference A), "PRTM Webarchive.org webpage dated December 5, 1998" (Reference B), and "Supply Chain Council presentation of May 12, 1999" (Reference C), (all generally referred to as the PRTM documents or PRTM). Claims 15 - 20 stand rejected under 35 U.S.C. § 102 as being anticipated by PRTM. These rejections are respectfully traversed.

The present invention generally relates to evaluating a customer's suppliers. The invention teaches a method for electronically compiling analysis of a supplier's performance from team members, the supplier and a team leader. The invention discloses several measures of efficiency of each supplier and further discloses reports to compare suppliers to other suppliers of the same, or similar, components. Additional reports can be generated to show historical trend of the supplier's performance. An embodiment of the invention allows suppliers to review their final scorecards and compare their scorecards to other suppliers of the same, or similar, components.

More specifically, the present invention, as set forth by independent claim 1, relates to a method for a customer to evaluate supplier performance which includes receiving a first evaluation of the supplier submitted electronically by a team member of a customer of the supplier into a customer website, receiving a second evaluation of the supplier submitted electronically by a team leader of the customer into a customer website, receiving a third evaluation of the supplier submitted electronically by the supplier into a customer website, and generating an indicia of a supplier's performance based on the first, second and third evaluation.

The present invention, as set forth by independent claim 9, relates to a system for evaluating a supplier which includes a computer system. The computer system includes a computer program product encoded in computer readable media and is operable to receive a first evaluation of a supplier submitted by a team member of a customer of the supplier, receive a second evaluation of the supplier submitted by a team leader of the customer, receive a third evaluation of the supplier submitted by the supplier and generate an indicia of the supplier's performance based on the first, second and third evaluation.

The present invention, as set forth by independent claim 14, relates to a computer program product encoded in computer readable media. The computer program product includes instructions, executable on a computer system, configured to receive a first evaluation of a supplier submitted electronically by a team member of a customer of the vendor, receive a second evaluation of a supplier submitted electronically by a team leader of the customer, receive a third evaluation of the vendor submitted electronically by the vendor and generate an indicia of the vendor's performance based upon the first, second and third evaluations.

The present invention, as set forth by independent claim 15, relates to a system for evaluating a supplier which includes a computer system. The computer system includes a data storage device. The data storage device stores data for a supplier performance among suppliers supplying a class of components and includes data representing quality of components supplied by each supplier, data representing cost of components supplied by each supplier, data representing availability of the components from each supplier, data representing service performance of each supplier, and data representing a top performing vendor among the suppliers supplying the class of components.

The present invention, as set forth by independent claim 17, relates to a method of evaluating the performance of a supplier. The performance of the supplier is determined from at least one of a group, comprising determining a best supplier in the class of suppliers, wherein the class of suppliers are those suppliers supplying a component to a manufacturer and wherein the determination is performed by a computer system.

The present invention, as set forth by independent claim 21, relates to a method of evaluating the performance of a supplier. The performance of the supplier is determined from at

least one of a group consisting of receiving a first evaluation of the supplier submitted electronically by a team member of a customer of the supplier, receiving a second evaluation of the supplier submitted electronically by a team leader of the customer, and generating an indicia of a supplier's performance based on the first and second evaluation.

Powers generally relates to evaluation tools and discloses a performance evaluation system which uses productivity and quality data to evaluate the performance of an individual, group, process or other suitable type of item or operation. (See, e.g., Powers, ¶21.) The system is deployed on a three tiered architecture having a client space, a server application space and a database space. (See, e.g., Powers, ¶22.) Powers discloses a plurality of types of users that provide information to the evaluation system, these users include a sales manager, a product manager and a product agent. (See, e.g., Powers ¶¶ 38, 40 and 44 and Powers Figures 2 and 3.) However, Powers does not disclose as one of these types of users the actual supplier or vendor being evaluated.

Reference A of the PRTM documents discloses that the performance measurement group (PMG), a subsidiary of Pittiglio Rabin Todd & McGrath (the PRTM organization), was been selected to undertake a new benchmarking study. The benchmarking study is intended to provide an online subscription series to map companies supply-chain data to a predefined council model. The subscription series is intended to offer cross industry reports that analyze key drivers of supply-chain performance, key metrics for measuring overall supply-chain performance and drilling down into specific functional areas, comparative performance data from companies of a variety of industries, best practices of top performers and online historical supply-chain benchmarking data for trending purposes (Reference A, pages 4 and 5.) Reference B of the PRTM documents sets forth an apparent marketing document of the PRTM organization which discusses benchmarking studies that PRTM conducts for its clients. Reference C of the PRTM documents discloses a slide presentation which presents a representative analysis of a supply chain scorecard. The metrics include data on delivery performance and quality, flexibility and responsiveness, cost and assets. (Reference C, page 22.)

Armstrong and the PRTM documents, taken alone or in combination, do not teach or suggest a method for a customer to evaluate supplier performance which includes receiving a

first evaluation of the supplier submitted electronically by a team member of a customer of the supplier into a customer website, receiving a second evaluation of the supplier submitted electronically by a team leader of the customer into a customer website, *receiving a third evaluation of the supplier submitted electronically by the supplier into a customer website*, and generating an indicia of a supplier's performance based on the first, second and third evaluation, all as required by claim 1. Accordingly, claim 1 is allowable over Armstrong and the PRTM documents. Claims 2 - 8 depend from claim 1 and are allowable for at least this reason.

Armstrong and the PRTM documents, taken alone or in combination, do not teach or suggest a system for evaluating a supplier which includes a computer system. The computer system includes a computer program product encoded in computer readable media and is operable to receive a first evaluation of a supplier submitted by a team member of a customer of the supplier, receive a second evaluation of the supplier submitted by a team leader of the customer, *receive a third evaluation of the supplier submitted by the supplier* and generate an indicia of the supplier's performance based on the first, second and third evaluation, all as required by claim 9. Accordingly, claim 9 is allowable over Armstrong and the PRTM documents. Claims 10 and 11 depend from claim 9 and are allowable for at least this reason.

Armstrong and the PRTM documents, taken alone or in combination, do not teach or suggest a computer program product encoded in computer readable media. The computer program product includes instructions, executable on a computer system, configured to receive a first evaluation of a supplier submitted electronically by a team member of a customer of the vendor, receive a second evaluation of a supplier submitted electronically by a team leader of the customer, *receive a third evaluation of the vendor submitted electronically by the vendor* and generate an indicia of the vendor's performance based upon the first, second and third evaluations, all as required by claim 14. Accordingly, claim 14 is allowable over Armstrong and the PRTM documents.

Armstrong and the PRTM documents, taken alone or in combination, do not teach or suggest a system for evaluating a supplier which includes a computer system. The computer system includes a data storage device. The data storage device stores data for a supplier performance among suppliers supplying a class of components and includes data representing

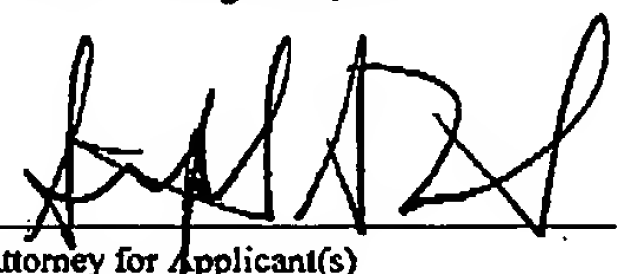
quality of components supplied by each supplier, data representing cost of components supplied by each supplier, data representing availability of the components from each supplier, data representing service performance of each supplier, and data representing a top performing vendor among the suppliers supplying the class of components, all as required by claim 15. Accordingly, claim 15 is allowable over Armstrong and the PRTM documents. Claim 16 depends from claim 15 and is allowable for at least this reason.

Armstrong and the PRTM documents, taken alone or in combination, do not teach or suggest a method of evaluating the performance of a supplier. The performance of the supplier is determined from at least one of a group, comprising determining a best supplier in the class of suppliers, wherein the class of suppliers are those suppliers supplying a component to a manufacturer wherein the determining is performed by a computer system, all as required by claim 17. Accordingly, claim 17 is allowable over Armstrong and the PRTM documents. Claims 18 - 20 depend from claim 17 and are allowable for at least this reason.

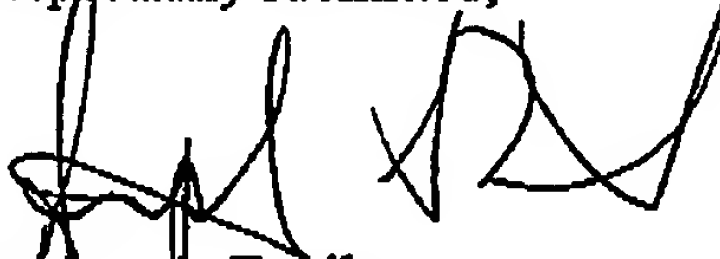
Armstrong and the PRTM documents, taken alone or in combination, do not teach or suggest a method of evaluating the performance of a supplier. The performance of the supplier determined from at least one of a group consisting of receiving a first evaluation of the supplier submitted electronically by a team member of a customer of the supplier, receiving a second evaluation of the supplier submitted electronically by a team leader of the customer, and generating an indicia of a supplier's performance based on the first and second evaluation, all as required by claim 21. Accordingly, claim 21 is allowable over Armstrong and the PRTM documents. Claim 22 depends from claim 21 and is allowable for at least this reason.

**CONCLUSION**

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

I hereby certify that this correspondence is being sent to the COMMISSIONER FOR PATENTS via the USPTO Central Facsimile on August 18, 2005.	
	<u>8/18/05</u>
Attorney for Applicant(s)	Date of Signature

Respectfully submitted,

  
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